

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Monday, May 16, 2005 at Westfield Town Hall. Members present included Patrick Miller, Dave Mueller, Bill Sanders (arrived at 7:08 p.m.), Cindy Spoljaric, and Craig Wood. Also present were Tom Higgins and Attorney Brian Zaiger.

Miller reviewed statement of purpose as well as rules and procedures.

OLD BUSINESS

0410-VS-031: 20495 Horton Road – Michael and Lydia Brunner are the appellants and requesting a Variance of Development Standard from WC 16-04-030-(B) 5 (a), Residential Districts, Agriculture/Single Family 1 (SF -1), Minimum Lot Frontage on Road, a minimum of two hundred fifty feet (250') to 101 feet.

Mr. Matt Skelton, Bingham McHale, presented the details of the variance request which is that the Ordinance requires 250 feet of road frontage and the petitioner has 102.73 feet of road frontage. Petitioner is requesting to build a single family home on the site. Skelton reviewed the previous concerns stated and the solutions and has included the proposed conditions for approval of this project.

Sanders asked what the staff's recommendation is.

Higgins stated staff recommended approval of the variance.

A Public Hearing opened at 7:14 p.m.

Ms. Teresa Shirley spoke against the variance.

Mr. Bill Anderson, adjoining neighbor, spoke of his concerns regarding drainage and spoke against the variance.

Mr. Brad Crouse spoke against the variance and shared some pictures of his property in relation to the variance request.

Ms. Bev Crouse spoke against the variance.

The Public Hearing closed at 7:32 p.m.

Skelton responded to the Public Hearing comments.

Brunner made some comments regarding his request for variance.

Miller moved to approve 0410-VS-031 as per plans filed subject to the proposed conditions listed in Tab I of petitioner's submission.

Wood seconded, and the motion failed 2-3 (Mueller, Sanders, Spoljaric).

Petitioner requested a continuance to the June meeting.

Wood moved to deny 0410-VS-031.

Spoljaric seconded, and the motion passed 4-1 (Miller).

Higgins will provide a new Finding of Facts as soon as possible.

0501-VU-002: Northwest corner of 181st Street and Market Court (just east of US Highway 31 and 181st Street) – Ken Fineis. The Appellant is requesting use variances WC: 16-04-070.2 to allow a list of prohibited land uses to occur on site at the Northwest corner of 181st Street and Market Court (just west of US 31 and 181st Street). The

parcel is located in the US Highway 31 Overlay Zone and the underlying zoning of General Business (GB).

0501-VS-002: Northwest corner of 181st Street and Market Court (east of US Highway 31) – Ken Fineis. The Appellant is requesting a standard variance WC: 16-04-070. (7) to allow a reduction in landscaping to occur on site at the Northwest corner of 181st Street and Market Court (just west of US 31 and 181st Street). The parcel is located in the US Highway 31 Overlay Zone and zoning is General Business (GB).

0501-VU-002 and 0501-VS-002 have both been withdrawn.

0504-VS-017: 3301 State Road: Flynn and Zinkan and Barker, LLC The Appellant is requesting a variance from WC: 16.04.050, (H) (6), reduction of side yard/external street set back. The reduction is from sixty (60') feet to thirty (30') feet.

Mr. Robert Barker, Flynn and Zinkan and Barker, LLC presented the details of the request for variance.

A Public Hearing opened at 8:01 p.m.

No one spoke, and the Public Hearing closed at 8:02 p.m.

Sanders moved to approve 0504-VS-017 per the findings of the report with the following conditions:

1. No further setback variances; and,
2. No north-south site access points within the Gunther Boulevard 30-foot building setback.

Miller seconded, and the motion passed unanimously.

Miller moved to adopt staff's Findings of Fact.

Wood seconded, and the motion carried by voice vote.

NEW BUSINESS

0505-VS-027: 14601 Henderson Court: Ty and Becky Rinehart. The Appellants are requesting a variance from WC: 16.04.030 (D) (6), reduction of Front Yard Building line setback from forty (40') feet to thirty (30') feet.

Mr. Ty Rinehart presented the details of the request for variance.

A Public Hearing opened at 8:10 p.m.

No one spoke, and the Public Hearing closed at 8:11 p.m.

Wood moved to approve 0505-VS-027 as presented.

Miller seconded, and the motion passed unanimously.

Zaiger will be working up the Findings of Fact for the Board's approval.

The meeting adjourned at 8:15 p.m.

Chairman

Secretary